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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,399	10/16/2003	Hisatoshi Eguchi	244116US90	7849
22850	7590	01/17/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER CALLAHAN, PAUL E	
			ART UNIT	PAPER NUMBER
			2137	
			NOTIFICATION DATE	DELIVERY MODE
			01/17/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/685,399

Applicant(s)

HISATOSHI ET AL.

Examiner

Paul Callahan

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12-18-07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,6,8 and 14-21 is/are allowed.
- 6) ☒ Claim(s) 2-5,7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u> </u> PC |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Claims 1-21 were pending at the time of the previous Office Action, mailed July 12, 2007. By the latest response from the applicant, filed December 18, 2007, claims 12 and 13 are cancelled. Therefore claims 1-11 and 14-21 remain pending and have been examined.
3. The indicated allowability of claims 9-11 is withdrawn in view of the newly discovered reference(s) to Leonard, US 6,085,171. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 2, 3-5, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As for claim 2: there is a lack of antecedent basis for the term "second terminal" in line 10.

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As for claim 3 there is a lack of antecedent basis for the terms "first terminal" in line 7 and "second terminal" in line 10. Claims 4 and 5 are dependent on claim 3 and are therefore rejected on the same basis as that claim.

As for claim 7 there is a lack of antecedent basis for the term "first terminal" in line 4.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Leonard, US 6,085,171.

As for claim 9, Leonard teaches an authentication requesting terminal (col. 1 lines 45-56, fig. 1 element 10a-z), permitted to utilize a first service provided by a service verifying system (col. 4 lines 10-24), and configured to execute authentication for utilization of the first service (col. 10 lines 10-34, col. 4 lines 1-9), the authentication requesting terminal comprising: authentication information storing means for storing authentication information for utilization of the first service (col. 3 lines 55-67); first message transmitting means for transmitting a message based on the authentication

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information in the authentication information storing means and according to an authentication method (col. 3 lines 55-67); other service utilization request transmitting means for transmitting a utilization request for utilization of a second service (col. 3 lines 56-65, fig. 2) when the first service is available; and permission response receiving means for receiving a permission response based on a permission message (col. 4 lines 1-9).

As for claim 10, Leonard teaches the authentication requesting terminal according to claim 9, wherein the permission response receiving means receives a permission response further based on available area information of the second service (col. 6 lines 50-60, fig. 3 element 124).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard.

As for claim 11, Leonard teaches the authentication requesting terminal according to claim 9, but not wherein the permission response receiving means

receives a permission response further based on available time information of the second service. However, Official Notice may be taken that the step of provision of a service based on time availability of the service is a step that is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature into the system of Leonard. It would have been obvious to do so since this would allow the tailoring of service for individual users. Motive to make this combination is taught by Leonard at, for example, fig. 10: Service Plan and col. 12 lines 22-44 where service plan information is verified. Service plans as taught by Leonard typically limit service based on time of day, reading on time availability.

Allowable Subject Matter

10. Claims 1, 6, 8, and 14-21 are allowed.

11. Claims 4 and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

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If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



/Paul Callahan/
January 10, 2008


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER